

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Rosalie R. Herberger, being duly sworn, depose and state that:

1. I am an investigator or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered to conduct investigations of and to make arrests for the offenses enumerated in Titles 18, 19, 21, 26, and 31 of the United States Code and other related offenses. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and have been so employed since January of 2016. I am currently assigned to the Columbia, South Carolina Field Office. My duties involve the investigation of federal firearms offenses and associated violent crimes and narcotics offenses.
2. Prior to serving as an ATF Special Agent, I was both a police officer with the United States Secret Service and a United States Customs and Border Protection Officer. I have been working in the law enforcement field for nearly 7 years. I am a graduate of the Federal Law Enforcement Training Center, The United States Secret Service Academy, United States Customs and Border Protection Academy, and the ATF National Academy.
3. As a result of my training and experience as an ATF Special Agent, I am familiar with federal criminal laws and know that the following is a violation of Title 18, United States Code, Section 922(g)(1) and Title 21, United States Code, § 841(a)(1). I have personally participated in this investigation and am aware of the facts contained herein based upon my own investigation, as well as information provided to me by other law enforcement officers. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact known by the government concerning criminal activities committed by the defendant.

**September 14, 2017: State arrest of DRAWDY**

4. On or about September 14, 2017, the South Carolina Department of Probation, Parole, and Pardon (PPP) Services conducted a home visit on John Phillip Drawdy (DRAWDY) (w/m, 5'10, 180 lbs DOB: \*\*/\*\*/1978) at 4145 A Fish Hatchery Road, in Gaston, South Carolina. PPP made contact with DRAWDY because he had an active arrest warrant through PPP.
5. Upon approaching the residence, PPP knocked on the front door. After several minutes, a white female identified as Viki Brogdon answered the door. Brogdon told PPP agents that DRAWDY was in the bathroom taking a shower. PPP Agents entered the residence and Brogdon pointed in the direction of the bathroom where Brogdon said DRAWDY was taking a shower. PPP knocked on the bathroom door and announced their presence. DRAWDY walked out of the bathroom, and was immediately placed under arrest for his (DRAWDY's) active arrest warrant. While walking through the master bedroom to get to the bathroom where DRAWDY was located, PPP Agents noticed, in plain view, a small plastic bag containing a white powdery substance sitting beside the pillow on the bed.

6. PPP Agents asked DRAWDY if there were any other occupants inside the house. DRAWDY told PPP Agents that there were two individuals located in a bedroom on the other side of the residence. PPP located Mary Morgan and Robert Martin in the bedroom located on the opposite side of the house. After PPP asked Martin for identification, he reached for his driver's license in the nightstand. PPP Agents noticed a plastic bag containing a white powdery substance inside the nightstand.
7. Because of suspected narcotics located at the residence, PPP Agents notified the Lexington County Sheriff's Office (LCSO) Narcotics Enforcement Team (NET). LCSO NET Agents responded to the above address. Based on suspected narcotics found in both bedrooms, a state search warrant for the residence was obtained.
8. Prior to conducting the search, Martin, Morgan, and Brogdon all stated that as you walk into the residence the bedroom to the right (master bedroom) was DRAWDY's bedroom. The closet in the bedroom identified as DRAWDY's contained men's clothing and shoes. Men's jeans were also located on the floor next to the bed. Drawdy subsequently acknowledged that the master bedroom was his.
9. During the search of DRAWDY's bedroom, LCSO NET team agents located a suitcase underneath his bed. The suitcase contained a large plastic bag containing smaller bags filled with a crystal like substance. The suitcase also contained a small plastic bag of a white powdery substance. Based on my training and experience, discussions with the LCSO Narcotics Investigators, and DRAWDY's statements as described below, there is probable cause to believe that the clear crystal like substance in the plastic bags is methamphetamine and the white powdery substance is cocaine. Substances were not field-tested. Pursuant to LCSD's recently changed policy, officers no longer field test substances at the scene due to safety concerns.
10. Two firearms were located inside the residence. A FT, Model Witness PS, .9mm, handgun, (Serial Number: EAS57645) was located in the back bedroom where Morgan and Martin were located. A Cobra, Model Patriot, 9mm handgun (Serial Number: 05093) was located in a nightstand in a juvenile's bedroom.
11. I, along with ATF S/A Eddie Eubanks advised Morgan of her Miranda Rights, which she acknowledged she understood and waived. Morgan stated that for approximately the last three (3) months, DRAWDY allowed her and Martin to stay at the residence until they "got back up on their feet." Morgan stated that on numerous occasions she had observed DRAWDY sell drugs from his residence. Morgan stated on or about September 13, 2017, she overheard DRAWDY on the phone ordering "8 of the clear and 5 of the girl." Morgan stated that she knew this to be 8 ounces of "ice" (meaning methamphetamine) and 5 ounces of cocaine. Morgan stated DRAWDY would usually hide firearms in different rooms throughout his residence.
12. I, along with ATF S/A Eubanks, advised DRAWDY of his Miranda Rights, which he acknowledged he understood and waived. DRAWDY identified the bedroom where the ice

(meaning methamphetamine) was located as being his bedroom. DRAWDY stated that the methamphetamine and the firearms that were located in the residence were his. Furthermore, DRAWDY stated that on September 13, 2017, he (DRAWDY) contacted an individual he knows as "Papi" (TNU) and ordered the methamphetamine to be delivered to his house. DRAWDY stated that when "Papi" dropped the methamphetamine off to him he (DRAWDY) was not home, so "Papi" left the methamphetamine outside for him. DRAWDY returned home and brought the methamphetamine inside, placing it on the dresser in his bedroom. DRAWDY stated that he rents the above residence and his name is on the rental paperwork.

13. NET Agent Brock advised Brogdon of her Miranda Rights, which she acknowledged she understood and waived. Brogdon stated that the suitcase the methamphetamine was found in was hers but the methamphetamine was not hers. Brogdon stated that she found the methamphetamine on the dresser in DRAWDY's bedroom and moved it to her suitcase that she then hid under the bed.
14. DRAWDY was transferred to the Lexington County Detention Center (LCDC) for processing and charged with Trafficking between 200 and 400 grams of methamphetamine, possession with intent to distribute cocaine, possession of a stolen firearm, possession of a weapon during a violent crime and unlawful conduct towards child.
15. Agent Brock processed the evidence. Investigator Brock weighed the clear crystal substance contained in the plastic bags, which had a total weight of approximately 9.7 ounces. The white powdery substance believed to be cocaine had an approximate weight of 8.6 gross grams.

#### Interstate Nexus of Firearms

16. On September 15, 2017, I made contact with Special Agent Richard Brown, ATF Nexus Expert, who I provided with a description of the firearms seized from DRAWDY on September 14, 2017. Special Agent Brown stated that in his opinion, the pistols were firearms as defined in Title 18, U.S.C., Section 921(a)(3) and were not manufactured in the State of South Carolina. It was also Special Agent Brown's opinion, based on knowledge, research and experience that the firearms moved in international and/or interstate travel and therefore had traveled in and affected interstate commerce as defined in Title 18, U.S.C., Section 921(a)(2).

#### Criminal History

17. I obtained an NCIC criminal history and cross-referenced the Lexington County 11<sup>th</sup> Judicial Circuit Public Index, for John Phillip DRAWDY. These databases show the following convictions, all of which are punishable under South Carolina state law for a term exceeding one year:
  - a) 1996-GS-32-03565 – Conviction on or about December 9, 1996 for Breaking into

Auto or Tanks (DRAWDY received a 5 year sentence suspended on 2 years' probation);

- b) 2003-GS-32-01163 – Conviction on or about January 12, 2004 for Possession with Intent to Distribute Marijuana (1<sup>st</sup>) (DRAWDY received a sentence of 18 months suspended on 2 days' time served and 2 years' probation);
- c) 2016-GS-32-01153 – Conviction on or about May 18, 2016, for Domestic Violence, 2d Degree (DRAWDY received a sentence of 3 years suspended on 3 years' probation).

Pardon Query

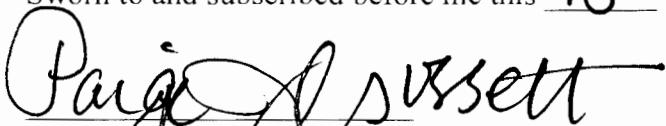
18. On September 15, 2017, I caused a search to be conducted of the pardon records at the South Carolina Department of Probation, Parole and Pardon Services. The search confirmed that DRAWDY has not received a pardon in the State of South Carolina for any of his prior convictions.
19. Wherefore, based upon all of the information set forth in this Affidavit, I respectfully submit that there is probable cause to believe that John Phillip DRAWDY, did on or about September 14, 2017, violate Title 18, United States Code, Section 922(g)(1), by possessing a firearm after being convicted of a crime punishable by a term of imprisonment exceeding one year, and Title 21, United States Code §§ 841(a)(1) and 841(b)(1)(B), by possessing with intent to distribute 50 grams or more of methamphetamine. In consideration of the foregoing, I respectfully request that this Court issue a Criminal Complaint and Arrest Warrant for John Phillip DRAWDY.

Assistant United States Attorney Nancy Wicker has reviewed this affidavit.



Rosalie R. Herberger  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms, and Explosives

Sworn to and subscribed before me this 18<sup>th</sup> day of September 2017.



PAIGE J. GOSETT  
UNITED STATES MAGISTRATE JUDGE